

that debate represent the majority of the American population. Now, put that way, the decision of the Senate on this controversial nominee hardly seem anti-democratic.

I respect the role of the Senate and the ways in which it has traditionally functioned on behalf of the American people. Any rule or practice can be used for ill, of course. For instance, the Senate grants significant authority to committees and to chairs of committees to determine the Senate's agenda and business. Traditionally, when a committee votes down a nominee, that nomination does not go forward. We have made one recent exception for the nomination of Judge Bork to the Supreme Court. That led to a heated battle on the Senate floor that resulted in that nomination ultimately being rejected by the Senate. Never in our history has the Senate or an administration simply overridden the judgment of the Judiciary Committee. That is what this administration chose to do when it renominated Judge Owen after her nomination had been thoroughly and fairly considered last year.

Finally, I am troubled that the administration and Senate Republicans are so intent on changing the rules and procedures and practices of the Senate in so many ways to gerrymandering the process in favor of the administration's most extreme, divisive and controversial nominees. That was not the motivation behind the amendment of rule 22 in 1975 that I supported. It used to be rare that judicial nominees would receive so many negative votes and engender so much opposition. In accordance with the consultation and cooperation that prevailed between administrations before this one and Senators from both parties, it was a rarity to have a contested nomination or to have close votes. That this administration is so fixated on forcing through the Senate nominees that do not have the support of more Senators is alarming in itself.

Consensus, mainstream, qualified nominees will get the support of not just a bare majority of Senators voting but the overwhelming majority of Senators. Thus, Judge Prado, and Judge Gregory, and Judge Raggi were confirmed with overwhelming bipartisan support. So, too, I am confident that Judge Consuelo Callahan will be the second Hispanic nominee of this administration to a circuit court to receive the strong support of Democratic Senators, when the leadership decides to schedule a vote on her confirmation. The 125 judicial confirmations to date are by and large conservative nominees but many enjoyed the strong bipartisan vote of Senators from both parties.

Yet Senate Republicans at the behest of the administration want to grant even more power to the administration by encouraging the President to nominate more controversial nominees. I respectfully suggest that the better way to proceed would be for the White

House to work more closely with Democrats and Republicans in the Senate to identify consensus nominees who will not generate a close vote and do not need special rules in order to be considered.

I thank the majority leader for working with the Democratic leader and assistant leader to make what he himself recognized as progress over the last weeks. With some cooperation and consideration from the administration we could accomplish so much more.

#### RECOGNITION OF NATIVE AMERICAN CODE TALKERS

Mr. JOHNSON. Mr. President, throughout the military history of the United States, Native Americans have served their country above and beyond the call of duty. Although they have served in many capacities, perhaps none has been more valuable than the services they have provided as code talkers. Today, I rise to support and cosponsor S. 540, a bill to authorize the presentation of gold medals on behalf of Congress to Native Americans who served as code talkers during foreign conflicts.

During World War II, the Sioux Indians volunteered their native languages, Dakota, Lakota, and Nakota Sioux, as codes. The Sioux code talkers worked tirelessly around the clock to provide information, such as the location of enemy troops and the number of enemy guns, which saved the lives of many Americans in war theaters in the Pacific and Europe. U.S. military commanders credit the Sioux with saving the lives of countless American soldiers and with being instrumental to the success of the United States in many battles during the war.

Today I would like to acknowledge the following distinguished gentlemen: Eddie Eagle Boy, Simon Brokenleg, Iver Crow Eagle Sr., Edmund St. John, Walter C. John Bear King, Phillip "Stoney" LaBlanc, Baptiste Pumpkinseed, Guy Rondell, Charles Whitepipe, and Clarence Wolfguts.

During the D-Day invasion and afterwards in the European theater, the 4th Signal Division employed Comanche code talkers to help the Army develop a code, which proved to be unbreakable by the Axis powers, and which was used extensively throughout Europe. This code was instrumental to winning the war in Europe and saved countless lives. The time has come to honor the Comanche code talkers for their valor and service to the United States. Today I would like to acknowledge the brave accomplishments of Charles Chibitty, Haddon Codynah, Robert Holder, Forrest Kassinovoid, Willington Mihecoby, Perry Noyebad, Clifford Otitivo, Simmons Parker, Melvin Permansu, Dick Red Elk, Elgin Red Elk, Larry Saupitty, Morris Sunrise, and Willie Yackeschi.

During the first year of World War I, when Germany had deciphered all Allied codes, and Allied forces were suf-

fering from heavy casualties, 18 Choctaw Indian soldiers were recruited on the battlefield to use their native language as a new code. This code, which was never successfully deciphered by the Germans, was thereafter used widely throughout the war and was instrumental in the movement of American soldiers, the protection of American supplies, and the preparation for assaults on German positions.

The Choctaw code talkers were highly successful and saved many lives and munitions. Their contribution is just another example of the commitment of Native Americans to the defense of the United States, as well as another example of the proud legacy of the Native Americans. The original 18 Choctaw code talkers have already been honored by a memorial bearing their names located at the entrance of the tribal complex in Durant, OK. Now I would like to continue to honor their legacy by urging my colleagues to vote affirmatively for S. 540.

#### MEMORIAL DAY

Ms. STABENOW. Mr. President, I rise today to reflect on this year's Memorial Day commemorations and the importance of this holiday in American life.

As I attend Memorial Day parades and commemorations, I'm struck by the spirit of national unity on display because I know that across Michigan—and across our Nation—our fellow Americans are taking part in similar gatherings where we take the time to reflect on our history and the sacrifice that brought us to where we are today.

Memorial Day is unique among American holidays. On Memorial Day we do not honor a particular date or event—a battle or the end of a war. On Memorial Day we do not honor an individual leader—a president or a general. On Memorial Day we do not even honor ourselves—at least not in the present tense.

On Memorial Day we pay homage to the thousands and thousands of individual acts of bravery and sacrifice that stretch back to the battlefields of our Revolution and are on display today in the deserts of Iraq and the mountains of Afghanistan.

We honor the brave men and women who answered their Nation's call to duty. And—making that ultimate sacrifice—never returned to their families and loved ones.

As part of this year's Memorial Day commemorations, I have been paying special respects to our Korean war veterans because this July marks the 50th Anniversary of the armistice that ended that war.

Notice I said Korean war. I did not say "the Korean Conflict." I did not call it a police action. I've met too many Korean war veterans. I've heard too many of their stories.

It was the Korean war.

About 2 million Americans served on active duty with the United States